THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :8679 of 2007

DATED:24-04-2007

M/s Lakshmi Sai Industries,
Rep., by its Managing Partner,
Ch.Kumaraswamy,
D.No.30-265/21/56,
Geethanagar, Naredmet,
Hyderabad.

..... PETITIONER

AND

The Employees' State Insurance Corporation,
Rep., by its Regional Director,
5-9-23, Hillfort road,
Hyderabad & another.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

2. Petitioner seeks a writ of Certiorari calling for the records and to quash the impugned proceedings of the 2nd respondent herein in proceedings No.52.Q/10537-2005, dated 07-03-2007, as illegal and arbitrary.

3. It is the case of the petitioner that the 2nd respondent issued order of attachment of the immovable property vide proceedings No.52.Q/10537/2005, dated 07-03-2007, stating that M/s Sree Gajanand Rice Industries (Lessee of M/s Anand Modern Rice Mill), Neredmet, Secunderabad defaulted payment of a sum of Rs.4,68,348/- which includes further interest and charges of the recovery due against the C.19, dated 24-07-1996; 09-02-1998; 22-10-1998; 09-01-2002;

03-08-2004 forwarded by the authorized Officer, R.O., Employees' State Insurance Corporation, Hyderabad and therefore, the said Gajanand Industries was prohibited and restrained until further orders from transferring or changing the schedule mentioned property in any way and the said property is the land, building, furniture & fixtures situated in the premises of M/s Sree Gajanand Industries (Rice Mill) (Lessee of M/s Anand Modern Rice Mill), Sy.No.305, House No.30/265/21/56, Neredmet, Secunderabad.

4. It is the case of the petitioner that it was registered under the certificate of registration, dated 31-01-2003, under the name M/s Lakshmi Sai Industries, and it is nothing to do with the said Gajanand Industries (Rice Mill) and it is neither the lessee nor the lessor of the said Anand Modern Rice Mill.

5. It is not known how the petitioner came into possession of the said property. If any dues are payable in respect of the establishment concerned conducting in the said premises the same will have to be passed on to the successor whoever is in possession of the same. Therefore, whether the petitioner is liable to pay any dues or not is a matter to be resolved by the Employees' State Insurance Court under Section 75 of the Employees' State Insurance Act, 1948 (for brevity, 'the Act').

6. Accordingly, the Writ Petition is dismissed with a liberty to the petitioner to raise a dispute before the Employees' State Insurance Court under Section 75 of the Act and if any such case is filed the Employees' State Insurance Court shall entertain, consider, and dispose of the same in accordance with law. No order as to costs.

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V.ESWARAIAH,J

24th April, 2007.

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